In the Supreme Court of the United States,

October Term, 1898,

No. 259.

James M. Sigafus,
Plaintiff-in-Error,

versus

Dudley Porter *et al.*,
Defendants-in-Error.

Come now both the parties in the above-entitled cause by Albert Stickney, Esq., and Edmund Wetmore, Esq., their counsel respectively, and ask the Court to grant a further hearing on the question certified by the United States Circuit Court of Appeals for the Second Judicial Circuit, upon the record of said Circuit Court of Appeals as the same is returned to this Court in obedience to the writ of certiorari issued herein.

Said motion is made as well upon the annexed affidavit of the said counsel as upon the said record and all the proceedings in this cause.

Dated May 12, 1899.

ALBERT STICKNEY,
Counsel for Defendants-in-Error.

EDMUND WETMORE,
Counsel for Plaintiff-in-Error.

5 IN THE SUPREME COURT OF THE UNITED STATES,

OCTOBER TERM, 1898,

No. 259.

JAMES M. SIGAFUS,
6 Plaintiff-in-Error,

VERSUS

DUDLEY PORTER *et al.*,
Defendants-in-Error.

SOUTHERN DISTRICT OF NEW YORK, } ss.:
7 County of New York, }

ALBERT STICKNEY and EDMUND WETMORE, being severally duly sworn, do depose and say, and each for himself deposes and says: That the said Edmund Wetmore is the counsel for James M. Sigafus, the plaintiff in error in the above-entitled cause, and the said Albert Stickney is the counsel for Dudley Porter and others, the defendants in error therein. That the entire record in this cause which has been ordered to be returned to this Court by the Circuit Court of Appeals, is very
8 voluminous, and that the matters in controversy in the Court below involved many questions of law other than the single question as to the measure of damages which was certified to this Court and which was the only question discussed upon the briefs or in the arguments of counsel in this Court. That whether this Court shall examine any of such other questions, or whether it shall examine only the question as to the measure of damages

in the light of the facts appearing upon the record, it is believed by deponents, and respectfully submitted, that a further hearing and further briefs of counsel will be of assistance to this Court in its decision of the controversy, and that by reason of the complicated state of facts and the length of the record it is in the opinion of deponents essential to the due protection of the rights of both parties that further argument should be allowed by the Court.

ALBERT STICKNEY,
EDMUND WETMORE.

Sworn to before me this 12th day of May, 1899, as to Albert Stickney,

H. S. VAN DUZER,
[SEAL.] Notary Public,
N. Y. Co.

Sworn to before me this 12th day of May, 1899, as to Edmund Wetmore,

R. EMMET DOHERTY,
[SEAL.] Notary Public,
County of New York.